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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,535	03/15/2001	Hubert Reinisch	4965-000115	4505

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 04/27/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/809,535	REINISCH ET AL.	
	Examiner	Art Unit	
	Thomas K Pham	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Statements of Statutory 35 USC

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

4. Claims 1-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Dodds et al. U.S. Patent no. 4,972,365 (hereinafter Dodds).

Regarding claims 1 and 8

Dodds teaches

process module for a processing station for performing a predetermined function, comprising a controller associated with a program control unit to which a program for controlling the process

Art Unit: 2121

module is supplied (col. 4 lines 5-12, “a programmable controller ... in the equipment rack 13”), characterized in that the controller comprises a program data administrator unit (fig. 2, communication processor 27) which co-ordinates the transfer of the program (col. 5 lines 45-48, “This session operates ... the status files 21”) associated with the process module out of a program data memory into the program control unit (col. 5 lines 56-58, “transferring files 20 ... the program processor 29”).

Regarding claim 2

Dodds teaches the controller comprises the program data memory (col. 5 lines 56-57, “memory associated with the communication processor 27”).

Regarding claims 3, 4 and 10

Dodds teaches the controller comprises the program control unit (fig. 2, program processor 29).

Regarding claims 5 and 11

Dodds teaches the program control unit is provided as a microprocessor. (fig. 2, program processor 29).

Regarding claim 6

Dodds teaches program data administrator unit comprises a memory unit for storing data specific to the process module (col. 5 lines 45-48, “This session operates ... the status files 21”).

Regarding claim 7

Dodds teaches the program data administrator unit can be connected through a bus to the program data memory (fig. 2, a bus connected between CP 27 and PP 29).

Regarding claim 9

Dodds teaches a basis controller is provided (fig. 1, element 10) and wherein the process module

Art Unit: 2121

comprises an interface for connection to the basis controller (fig. 1, serial communication cable 11).

Regarding claim 12

Dodds teaches several process modules are provided and wherein the programs associated with the process modules are supplied to the program control unit (fig. 1, I/O logic modules 14 and 15).

Regarding claim 13

Dodds teaches the program control unit comprises several microprocessors, so that the programs associated with the process modules are supplied to run in parallel on the different microprocessors (fig. 2 show that each of the I/O logic modules 14 and 15 has its own program processor 29).

Regarding claim 14

Dodds teaches at least one of the microprocessors is provided in a controller of the process module (fig. 2).

Regarding claim 15

Dodds teaches the basis controller and/or the controller are configured to establish a connection with the program data memory, which lies outside of the processing station (col. 5 lines 25-39, "a programming terminal 22 ... to the I/O logic module 15").

Regarding claim 17

Dodds teaches after connection of a process module to the processing station via the interface, the program for controlling the process module is read out of the program data memory depending on the data specific to the process module stored in the program data administrator

Art Unit: 2121

unit and is transferred to the program control unit (col. 5 lines a programming terminal 22 ... to the I/O logic module 15”).

Claim Rejections - 35 USC § 103

5. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodds in view of Saitoh et al. U.S. Patent no. 6,038,486 (hereinafter Saitoh).

Regarding claim 16

Dodds teaches process module but does not teach the connection to the program data memory takes place over the Internet, and wherein the program data memory is provided in a server connected to the Internet (col. 2 lines 51-56, “the FA server system ... arbitrary personal computer 10”). However, Saitoh teaches the connection to the program data memory takes place over the Internet, and wherein the program data memory is provided in a server connected to the Internet (col. 2 lines 51-56, “the FA server system ... arbitrary personal computer 10”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Internet communication of Saitoh with the process module of Dodds because it would provide for transfer program files at any remote location.

Regarding claim 18

Saitoh teaches the data specific to the process module comprise at least one of the following data: storage location of the program, target location for the transfer of the program and identification data of the process module (col. 3 lines 57-65, “FA server 4 retains ... executed at this time”).

Art Unit: 2121

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874, Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor *Mr. Anthony Knight* at (703) 308-3179.

Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the 4th floor)**, or fax to the **official fax number (703) 872- 9306**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas Pham
Patent Examiner

April 20, 2004



Anthony Knight
Supervisory Patent Examiner
Group 3600